

OCT 18 1976

MICHAEL RODAK, JR., CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM, 1975

No. 75-1644

In the Matter of

The Claim for Benefits under Article 18 of the Labor Law
made by BERTRAM M. DRASSENOWER, WILLIAM SLOMINSKY,
WALTER EHRENPREIS, JOHN A. PODRASKY, LAWRENCE ALDOUS,
MARIO L. ECEMENDIA, ALFRED DOVE, ANGELO ENDRIZZI,
ENOS E. FRANCIS, VINCENT HARRIGAN, CURTIS LEGRAND,
STEPHEN ONDOCIN, LUCY MEAD, LOUIS V. LAURA, JOHN T.
KEYS, FELIX A. SEDA, JOHN P. CESTOLA, JOSEPH A.
POGGIOREALE, ANTHONY J. MARSELLA, EUGENE M. MCKENNA,
Petitioners,

v.

LOUIS L. LEVINE, as Industrial Commissioner,
Respondent.

SUPPLEMENTAL BRIEF FOR PETITIONERS

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Petitioners submit the within supplemental brief, pursuant to Rule 24(5) of the Rules of this Court, to advise the Court of an intervening matter not available at the time of the filing of Petitioners' reply brief.

Petitioners are advised that on October 4, 1976 this Court noted probable jurisdiction in *Ohio Bureau of Employment Services v. Hodory* (75-1707). *See*, 45 U.S.L.W. 3249.* The issues raised in *Hodory* are virtually identical to those raised in the instant matter. *Hodory*, like the within action,

* On October 5, 1976 the New York Times reported that *certiorari* had been granted in *Hodory*; however, in view of the procedural posture of the case, Petitioners believe this account to be inaccurate.

concerns the constitutionality of a labor dispute disqualification for unemployment insurance benefits when such disqualification is applied to idled workers who neither participate, aid nor abet a strike and who in no manner benefit from such strike. In this connection, Petitioners respectfully refer the Court to their Petition for a Writ of Certiorari, pp. 7-9, 13-17, and the Reply Brief for Petitioners, pp. 7-10.

In view of the foregoing, Petitioners respectfully urge that the Petition for a Writ of Certiorari in the within matter be granted in order that the constitutionality of the New York statute, questioned at bar, and that of the Ohio statute, in issue in *Hodory*, may be resolved in a consistent manner.

Respectfully submitted,

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